

# News Release



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## First Appellate District Court Issues Order in Carnegie OHV Park Lawsuit

The First Appellate District Court of Appeal has issued an order that allows Carnegie State Vehicle Recreation Area to remain open. The order reverses a challenge that attempted to bypass the jurisdiction of the Central Valley Regional Water Quality Control Board.

The Court of Appeal ruling yesterday reversed an order by the Alameda County Superior Court in an action brought by the California Sportfishing Protection Alliance (CSPA) and the Public Employees for Environmental Responsibility (PEER) that sought to stop all off-highway vehicle recreation in the park. The superior court order, if not reversed, would have ordered the park closed until waste discharge requirements were issued by the Central Valley Regional Water Quality Control Board.

The ruling allows for continued recreation at the park, located near Livermore, while the Off-Highway Motor Vehicle Recreation (OHMVR) Division of State Parks continues to work with the Central Valley Regional Water Control Board to address water quality issues in the area.

"We have been working for many years to ensure the park is managed in a way that both provides for sustainable OHV recreation and prevents environmental damage. We are pleased that the decision from the Court of Appeal will allow us to continue the work we have been doing for many years with the Water Quality Control Board and other agencies to properly manage the area while keeping the park open for OHV recreation", said Daphne Greene, Deputy Director of the state's OHMVR program.

In its conclusion, the Court of Appeal stated that the petitioners, the California Sportfishing Protection Alliance and the Public Employees for Environmental Responsibility, failed to exhaust available administrative remedies with appropriate agencies prior to filing their lawsuit. The Court found that the Water Quality Control Boards have jurisdiction over the matters complained of by the petitioners and stated that such jurisdiction may be undermined if courts insert themselves prematurely into the regulatory process. The court stated that if and when such procedures are exhausted, petitioners may then seek judicial action. ###

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